



**TESTIMONY OF LISA GRAHAM KEEGAN
CHIEF EXECUTIVE OFFICER, EDUCATION LEADERS COUNCIL
BEFORE THE HOUSE COMMITTEE ON BUDGET**

WEDNESDAY, FEBRUARY 11, 2004

Good morning, Chairman Nussle and Members of the Committee. It is my pleasure to appear before you today to discuss President Bush's 2005 Budget Request for the Department of Education. My name is Lisa Graham Keegan, and I am CEO of Education Leaders Council, a member-based organization of education reformers, and the only organization that is presently leading an in-the-classroom effort to implement the policies of No Child Left behind (NCLB).

We believe very strongly in NCLB – but then, our members have been supporters of its policies since long before the bill was even in its earliest drafting stage. The policies embodied in NCLB have been the policies of our members – from school board members to state chiefs to governors – for nearly a decade. As members of this committee, you've likely heard warnings that the policies of NCLB are under-funded – or worse, to those of us with a federalist bent, an "unfunded mandate." As an organization of practicing educators who have actually been putting the policies on NCLB into place for years, we at ELC believe we can give you a unique, credible perspective on how much money it really takes to turn the ideals embodied by the law into active practice. I think our answer will surprise you.

I was also so pleased to have the opportunity to hear Secretary Paige's comments, because I think he's got it exactly right. NCLB is more than a program – it's a right. And I do not think it is an overstatement to say that NCLB is the heir to *Brown v. Board of Education*, as the Secretary has often said. NCLB is providing students in the United States with a new civil right – the right to an educational system that makes the same academic demands – and provides the same academic opportunities – for all students, regardless of their race or socioeconomic status. It does not allow for one set of standards for one set of children, and a different set of standards for another.

Really, much of what is in NCLB isn't that new at all – you did much of it in 1994 with the Improving America's Schools Act (IASA). Though the term AYP was still about six years off, IASA was very similar to NCLB, in that it asked states to ensure that all students were all making academic progress. But the 1994 act lacked the sunlight and teeth that you have put into NCLB. You gave the states some very real goals to meet. They can't claim academic progress based on averages – they have to look at all children.

They must report data. They must ensure teachers are adequately trained. They must make sure parents know how their children are doing.

What does all this have to do with the job of this committee? I want you to put the budget numbers before you in perspective of what it is you're trying to do with the money you're allocating. The Civil Rights Act became law in 1964. We don't hear people complaining that it's an unfunded mandate, and therefore we can only give equal rights to 70 percent of the people because the government isn't adequately funding this "mandate." Nor do we hear people argue that the government is meddling in the affairs of states by insisting that anyone – regardless of race or color – be allowed to vote or ride at the front of a bus. The same is true of NCLB. You have no reason to apologize for insisting that all children – not just some – receive a quality education. It's their right.

But then, what of the claim of "unfunded mandate"? ELC, in conjunction with AccountabilityWorks, recently completed a study of those claims and found them to be without base. Specifically, we examined what NCLB requires states to do – things that weren't already in the 1994 law – and looked at how much these new activities cost and whether the resources had been appropriated to meet these new costs. What we learned may astonish you. Not only has the Congress provided the states with sufficient resources, but, in fact, you may also have provided them with more than enough.

For our study, we looked at the four new activities specifically required by NCLB: the costs of new accountability requirements, including new testing requirements; the costs of meeting the requirement for "highly qualified" teachers; the costs associated with information management, such as those needed to disaggregate student data; and the costs associated with school improvement, such as school improvement plans and choice initiatives. For these activities, we looked at what we called the "hard costs" – those that have a necessary fiscal impact on states and local education agencies – associated with each of these new requirements.

For all activities, we found existing funding to be sufficient and, in many cases, there was still plenty of money left over – anywhere from \$785 million anticipated in the 2004-2005 school year to approximately \$5 billion in the 2007-2008 school year. These remaining funds are then available to states for general school improvement – offering the flexibility that some detractors have said the law does not provide.

We also thought it might be helpful if we reviewed a number of other cost studies of NCLB that many of you have received and which have concluded that NCLB is "underfunded." We looked carefully at studies by the New Hampshire School Administrators, the Democratic Congressional Study, the General Accounting Office, and other state studies of "educational adequacy." In each case, we noted flaws or limitations that led to questionable conclusions. Some, for example, had relied on costly assumptions rather than more innovative approaches. Others had lumped in costs not associated with specific requirements under NCLB in determining the costs of compliance. In our cost study, we describe the flawed methodology or assumptions that have led to questionable conclusions.

What do I hope you and your committee will take away from this cost study, Mr. Chairman? If anything, it's the realization that the "unfunded mandate" argument is a straw man – a specter invoked by the status quo in hopes of frightening you into questioning your own commitment to not only the funding, but also the philosophy, of NCLB.

Don't be fooled, Mr. Chairman – the Congress and the Administration have backed up their promises. Sufficient resources have been provided for states to implement the policies you've enacted. Funding is not the sole obstacle standing in the way of providing all students with the right to a quality education. The issues that plague education reform lie beyond dollar for dollar comparisons to larger questions about what works best for students – not the system. As a nation, we need to dismiss our allegiance to antiquated systems, welcoming new ideas and initiatives based on proven results for students. NCLB offers the right incentive and we can wait no longer to capitalize on its improvements.

Thank you for the opportunity to address the committee. I look forward to responding to any questions you may have.